

**LYNCHBURG CITY COUNCIL**  
**Agenda Item Summary**

MEETING DATE: **May 14, 2002**

AGENDA ITEM NO.: **21**

CONSENT:

REGULAR: **X**

CLOSED SESSION:  
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Rezoning – William H. Burruss, Jr., 2400 block of Atherholt Road, R-4 to B-1(C)**

RECOMMENDATION: Approval of the requested rezoning.

SUMMARY: William H. Burruss, Jr. has petitioned for to rezone about 50 acres in the 2400 block of Atherholt Road from R-4, Multi-Family Residential District, to B-1 (Conditional), Limited Business District, to allow the development of the property as an office park. The Planning Division recommended approval of the rezoning petition because:

- Petition agrees with the *General Plan*, which recommends an Office Commercial use.
- Petition will set the pattern for continued development for office commercial.
- Petition is compatible with the developing land use and zoning in the area.

The petition was considered by the Planning Commission (PC) on March 27, at which time the PC recommended approval of the petition.

PRIOR ACTION(S): March 27, 2002:  
Planning Division recommended approval of rezoning petition  
Planning Commission recommended approval (6-0) of petition.

FISCAL IMPACT: N/A

CONTACT(S):  
Rachel Flynn/ 847-1508, ext. 253  
Bill McDonald/ 847-1508, ext. 257

ATTACHMENT(S):

- Ordinance
- PC Report
- PC minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Site plan
- Revised Proffers dated May 06, 2002

REVIEWED BY:

## ORDINANCE

### AN ORDINANCE CHANGING A CERTAIN AREA FROM R-4, MULTI-FAMILY RESIDENTIAL DISTRICT TO B-1 (CONDITIONAL), LIMITED BUSINESS DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that in order to promote the public necessity, convenience, general welfare, and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76.\_\_\_\_\_, which section shall read as follows:

Section 35.1-76.\_\_\_\_\_. Change of a certain area from R-4, Multi-family Residential District to B-1 (Conditional), Limited Business District.

The area embraced within the following boundaries . . .

Beginning at a point on the northerly line of Atherholt Road, said point being southwest most corner of property shown on plat by Berkley-Howell & Associates titled "Plat of Subdivision of Parcel D of the William H. Burruss, Jr. Westerly Acres Tract" and dated March 14, 2000 and revised August 28, 2000 and recorded in plat cabinet 6 page 268; thence S 54° 05' 14" E 50.62 feet to a point; thence along a curve to the right having a central angle of 12° 12' 04" a length of 101.15 feet, a radius of 475.00 feet, a chord of 100.96 feet, a chord bearing of N 51° 27' 50" E to a point; thence N 57° 33' 52" E 320.63 feet to a point; thence leaving the southerly line of Atherholt Road along a curve to the left having a central angle of 90° 00' 13" a length of 54.98 feet, a radius of 35.00, a chord of 49.50 feet, a chord bearing of S 12° 32' 28" W to a point; thence S 32° 27' 38" E 136.74 feet to a point; thence along a curve to the left having a central angle of 18° 00' 00" a length of 314.16 feet, a radius of 1000.00, a chord of 312.87 feet, a chord bearing of S 41° 27' 38" E to a point; thence S 50° 27' 38" E 42.64 feet to a point; thence N 42° 48' 16" E 403.68 feet to a point; thence S 49° 40' E 280.91 feet to a point; thence N 48° 20' E 151.33 feet to a point; thence N 89° 43' E 205.85 feet to a point; thence S 00° 47' E 449.71 feet to a point in a branch; thence running along said branch S 66° 48' W 245.95 feet; S 73° 39' W 219.71 feet; S 73° 11' W 166.81 feet; S 80° 07' W 296.02 feet; S 44° 33' W 152.11 feet to a point in branch on the northerly line of Alleghany Avenue; thence N 55° 19' W 64.00 feet to a point; thence N 73° 44' W 433.00 feet to a point; thence N 50° 24' W 280.00 feet to a point; thence N 67° 49' W 845.33 feet to a point on the northerly line of Alleghany Avenue; thence running along a line parallel to the centerline of Blackwater Creek as it meanders N 15° 28' W 381.92 feet; N 05° 16' E 428.24 feet to a point on the southwest line of Tate Springs Road; thence following the southerly line of Tate Springs Road N 89° 10' E 694.43 feet to a point; thence along a curve to the left having a central angle of 57° 42' 01" a length of 171.20 feet, a radius of 170.00 feet, a chord of 164.06 feet, a chord bearing of N 60° 19' E to a point; thence N 31° 28' E 62.73 feet to a point; thence leaving the southerly line of Tate Springs Road N 83° 24' E 390.65 feet to a point; thence S 83° 16' E 409.90 feet to a point; thence S 65° 14' E 444.13 feet to a point on the northerly line of Atherholt Road; thence following the northerly line of Atherholt Road S 69° 49' 26" W 384.51 feet to a point; thence S 63° 40' 55" W 213.96 feet to a point; thence leaving the northerly line of Atherholt Road N 32° 42' 17" W 350.70 feet to a point; thence S 57° 33' 52" W 615.08 feet to a point; thence S 30° 45' 07" E 364.53 feet to the point of beginning and containing approximately 50.61 acres.

. . . is hereby changed from R-4, Multi-family Residential District to B-1 (Conditional), Limited Business District, subject to the conditions set out hereinbelow which were voluntarily proffered in writing by the owner, namely: William H. Burruss, Jr., to wit:

1. Building exterior will be finished to grade.
2. No exposed block or metal above grade.
3. Driveway to be either asphalt or concrete with curb and gutter.
4. Dumpster pad and HVAC equipment pad to be screened from view.
5. Off-street parking shall be provided.
6. Open areas not required for operations shall be landscaped and landscaping shall be maintained at all times.
7. Twenty foot vegetative buffer shall be established adjacent to residential zones using existing vegetation supplemented as needed or graded and replanted with a mixed planting (evergreen and deciduous) buffer.

8. The owner of the property agrees to dedicate right of way of a width of seventy (70) feet for the extension of Atherholt Road and Tate Springs Road (for its connection with Lakeside Drive) at such time that the City of Lynchburg commits the funds for the construction of the road extensions of Atherholt Road and/or Tate Springs Road. The location and placement of the right of way is to be mutually agreed upon by both the property owner and the City of Lynchburg.

And the Director of Community and Planning Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia" referred to in Section 35.1-4 of this Chapter to be amended in accordance therewith.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

109L

# The Department of Community Planning & Development

City Hall, Lynchburg, VA 24504 434-847-1508

**To:** Planning Commission  
**From:** Planning Division  
**Date:** March 27, 2002  
**Re:** **REZONING: R-4 to B-1 (C) in the 2400 block of ATHERHOLT ROAD**

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## I. PETITIONER

William H. Burruss, Jr., P.O. Box 168, Lanexa, VA 23185.

**Representative:** Tracey Norvelle, Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, VA 24501.

## II. LOCATION

The subject property is a tract of about 50 acres located in the 2400 block of Atherholt Road.

**Property Owner:** Petitioner

## III. PURPOSE

The purpose of this petition is to rezone the subject property from R-4, Multi-Family Residential District, to B-1(C), Limited Business District, to allow the development of the property as an office park.

## IV. SUMMARY

- Petition agrees with the *General Plan*, which recommends an Office Commercial use.
- Petition will set the pattern for continued development for office commercial.
- Petition is compatible with the developing land use and zoning in the area.
- **The Planning Division recommends approval of the rezoning petition.**

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## V. FINDINGS OF FACT

1. **General Plan.** The Lynchburg *General Plan* recommends an Office Commercial use for the subject property. The subject petition proposes to rezone the property to a commercial zoning classification, as well as to use the property for an office commercial use. The proposal will extend the developing pattern of commercial zoning and land use for the area, as proposed by the *General Plan*. This is in agreement with the recommendation of the *General Plan* that major concentrations of Office Commercial use be located (among other places) in the vicinity of the area south of Yorktown Avenue.
  - **Zoning.** The subject property was zoned single-family residential from 1930 until 1978, at which time the zoning was changed to multi-family residential. For years, the City has suggested that the area be utilized as one of the concentrations for office use. Because of the proximity of Lynchburg General Hospital, the recommended use would most probably for medical related uses. The subject zoning petition will place the entire tract into a zoning classification that allows the recommended land use and includes protective proffers.
2. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:
  - Building exterior will be finished to grade.
  - No exposed block or metal above grade.
  - Driveway to be either asphalt or concrete with curb and gutter.
  - Dumpster pad and HVAC equipment pad to be screened from view.
  - Off-street parking shall be provided.
  - Open areas not required for operations shall be landscaped and landscaping shall be maintained at all times.
  - Twenty-foot vegetative buffer shall be established adjacent to residential zones using existing vegetation supplemented as needed or graded and replanted with a mixed planting (evergreen and deciduous) buffer.
3. **Board of Zoning Appeals (BZA).** No action by the BZA is necessary.
4. **Surrounding Area.** There have been a few recent rezoning petitions in the vicinity of the subject property. City Council approved the following petitions in the area:

Conditional Use Permit:

2303 Yorktown Ave. – 6/11/85 – Psychiatric Associates (“Pine Ridge”)

Rezoning:

2303 Yorktown Ave. - R-4 to B-1 (C) - 4/11/89 – Office complex

2303 Yorktown Ave. - R-4 to B-1 (C) - 7/13/93 – Elderberry Nursing Home

2401 Atherholt Road - R-4 to B-1 (C) - 6/13/00 – Surgery Center of Lynchburg

The adjacent properties have been individually submitted for consideration of being rezoned to an office commercial classification. The subject petition proposes to comprehensively change the zoning for the tract to B-1(C).

5. **Site Description.** The site is approximately 50 acres of undeveloped land. The property is wooded with some large growth trees and some scrub vegetation. There is frontage on Atherholt Road, and unopened sections of Tate Springs Road and Alleghany Avenue. The long-range plans for the area call for the extension of Tate Springs Road from Lakeside Drive to intersect with Atherholt Road and eventually to connect with the existing section of Tate Springs Road. The property slopes down from Atherholt Road on the northeast about 150 feet to Blackwater Creek on the west.
6. **Proposed Use of Property.** The purpose of the rezoning is to allow the development of an office park. The site is proposed to be developed in individual office units. The schematic site plan indicates 11 parcels, but the petitioner has noted that the actual development may not resemble the schematic plan.
7. **Traffic & Parking.** The City Traffic Engineer had no comments of concern regarding the subject petition. The proposed use is not expected to generate a significant amount of traffic, but it was noted that the phasing schedule needs to be developed as the connection to Tate Springs Road or Lakeside Drive must occur before the property is built-out.  
  
Each of the proposed parcels has indicated an area approximating the required amount of off-street parking for the proposed office space.
8. **Storm Water Management.** The Environmental Specialist of the Robert E. Lee Soil & Water Conservation District notes that a storm water management plan will be required only if the disturbed area exceeds 1,000 square feet. Other than street drainage, the pending subdivision does propose any new disturbed areas.
9. **Impact.** The current submittal proposes the re-classification of a parcel of land for commercial purposes. The site plan indicates development containing lots averaging about 4 ½ acres in size and will be similar to existing offices in the area. There is no concern about the impact the proposed use will have on adjacent areas. The proposed use will not have an adverse impact on the future continued stability of the surrounding area. The proposed rezoning is compatible with the surrounding land uses and zoning.
10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on March 5 and noted the need for a few revisions, all of which were minor in nature and will need to be addressed by the petitioner.

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## VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the Petition of William H. Burruss, Jr. to rezone approximately 50 acres in the 2400 block of Atherholt Road from R-4, Multi-Family Residential District, to B-1 (Conditional), Limited Business District, to allow the development of the property as an office park.

This matter is respectfully offered for your consideration.

William K. McDonald, AICP  
Acting City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. Bruce A. McNabb, Director of Public Works  
Mr. John W. Jennings, Fire Marshal  
Ms. Judith C. Wiegand, Strategic Planner  
Mr. J. Lee Newland, Director of Engineering  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Karl Cooler, Building Commissioner  
Mr. Arthur L. Tolley, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mr. William H. Burruss, Jr., Petitioner  
Ms. Tracey Norvelle, Representative

#### VI. ATTACHMENTS

1. Vicinity Zoning Pattern  
(see attached map)
2. Vicinity Proposed Land Use  
(see attached map)
3. Site Plan  
(see attached site plan)

## MINUTES FROM THE MARCH 27, 2002 PLANNING COMMISSION MEETING

Petition of William H. Burruss, Jr. to rezone approximately 50 acres in the 2400 block of Atherholt Road from R-4, Multi-Family Residential District, to B-1(Conditional), Limited Business District, to allow the development of the property as an office park.

Ms. Tracey Norvelle, Hurt & Proffitt, Inc., represented this request. Ms. Norvelle explained that this 50-acre lot had previously been part of a larger parcel, which over the years had been sold off in smaller pieces. She said when each of those smaller pieces of property had been sold they had been rezoned individually. She said all of the lots had been rezoned to B-1, and had been developed into a medical or office park. Ms. Norvelle said they wanted to be consistent with the property and develop it with similar types of businesses as are currently there. She added that the City had been involved in the discussions about this property for a while, which included discussions of extending the roads.

Mr. Norman Moon, Milton Realty, addressed the Commission in favor of the petition. Mr. Moon said his company had represented Burruss on this property for approximately ten years and also thought it was time to rezone the entire site. He added that it would be easier to develop the property if it were already zone for business.

Commissioner Flint asked if Atherholt Road would be extended to Lakeside Drive. He asked how the extension would occur and if it was possible for the City to obtain the right-of-way.

Mr. Moon said they had worked with the City Traffic Engineer for a number of years. He said they were not entirely sure the direction the road would take, but it would tie in with the cross-town connector. He noted that there were plans in the Capital Improvement Plan to assist with the future road extension. Mr. Moon concluded by saying that the current owners and prospective owners were aware of the City obtaining the right-of-way and had based their plans on the road being extended in the future.

Commissioner Wilkins asked what would happen if the build out of the property could not occur until the streets were completed. She added that she called the Planning department earlier in the week asking that an explanation be prepared for this meeting.

Mr. Martin said in conversations with the City Traffic Engineer, the City's plans were to dedicate the right-of-way at a later time. He said the actual construction of the street would happen as each parcel was developed, or when a traffic count indicated that the road needed to be connected to Lakeside Drive or Tate Springs Road. He said the City planned to assist with the construction cost.

Mr. Moon explained to Commissioner Wilkins that some of the streets would be privately developed as the lots were sold. He said there was a requirement that a road be built to the end of the property line, which the developer would do in order to proceed with construction. He said if that happened, the landowner would dedicate the right-of-way to the City in exchange for some type of construction. Mr. Moon said at this point there was still discussion as to whether Atherholt Road or Tate Springs Road would be the main entrance to the hospital. He said even though that decision still needed to be made, the plans were very close to being complete.

Chair Dahlgren said this was a marvelous use of the property.

Commissioner Flint said it was great that they were rezoning the entire site instead of rezoning each parcel as it is purchased.

After further discussion, Commissioner Echols made the following motion, which was seconded by Commissioner Pulliam and passed by the following vote:

"That the Planning Commission recommends the City Council approval of the petition of William H. Burruss, Jr. to rezone approximately 50 acres in the 2400 block of Atherholt Road from R-4, Multi-Family Residential District, to B-1(Conditional), Limited Business District, to allow the development of the property as an office park according to the following proffers:

- Building exterior will be finished to grade.
- No exposed block or metal above grade.
- Driveway to be either asphalt or concrete with curb and gutter.

- Dumpster pad and HVAC equipment pad to be screened from view.
- Off-street parking shall be provided.
- Open areas not required for operations shall be landscaped and landscaping shall be maintained at all times.
- Twenty foot vegetative buffer shall be established adjacent to residential zones using existing vegetation supplemented as needed or graded and replanted with a mixed planting (evergreen and deciduous) buffer.”

AYES:	Dahlgren, Echols, Flint, Pulliam, Wilkins, Worthington	6
NOES:		0
ABSTENTIONS:		0